

1           **\*-1375/1.1\* SECTION 1450.** 49.45 (24r) (a) of the statutes is renumbered 49.45  
2           (24r).

3           **\*-1375/1.2\* SECTION 1451.** 49.45 (24r) (b) of the statutes is repealed.

4           **\*-1019/5.51\* SECTION 1452.** 49.45 (34) of the statutes is amended to read:

5           49.45 (34) MEDICAL ASSISTANCE MANUAL. The department shall prepare a  
6           medical assistance manual that is clear, comprehensive and consistent with this  
7           subchapter and 42 USC 1396a to 1396u and shall, ~~no later than July 1, 1992, provide~~  
8           ~~the manual to counties for use by county employees who administer the medical~~  
9           ~~assistance program.~~

10          **\*-0809/4.18\* SECTION 1453.** 49.45 (51) (a) of the statutes is amended to read:

11          49.45 (51) (a) By November 1 annually, the department shall provide to the  
12          department of revenue information concerning the estimated amounts of  
13          supplements payable from the appropriation accounts under s. 20.435 (4) (b) and  
14          (gm) to specific local governmental units for the provision of transportation for  
15          medical care, as specified under s. 49.46 (2) (b) 3., during the fiscal year. Beginning  
16          November 1, 2004, the information that the department provides under this  
17          paragraph shall include any adjustments necessary to reflect actual claims  
18          submitted by service providers in the previous fiscal year.

19          **\*-0174/4.4\* SECTION 1454.** 49.45 (52) (title) of the statutes is amended to read:

20          49.45 (52) (title) PAYMENT ADJUSTMENTS; FEDERAL FUNDING FOR CERTAIN SERVICES.

21          **\*-0174/4.5\* SECTION 1455.** 49.45 (52) of the statutes is renumbered 49.45 (52)

22          (a) 1. and amended to read:

23          49.45 (52) (a) 1. Beginning on January 1, 2003 If the department provides the  
24          notice under par. (c) selecting the payment procedure in this paragraph, the  
25          department may, from the appropriation account under s. 20.435 (7) (b), make

1 Medical Assistance payment adjustments to county departments under s. 46.215,  
2 46.22, 46.23, or 51.42, or 51.437 or to local health departments, as defined in s. 250.01  
3 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and  
4 (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16., except for  
5 services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating  
6 in the early intervention program under s. 51.44. Payment adjustments under this  
7 ~~subsection~~ paragraph shall include the state share of the payments. The total of any  
8 payment adjustments under this ~~subsection~~ paragraph and Medical Assistance  
9 payments made from appropriation accounts under s. 20.435 (4) (b), (gm), (o), and  
10 (w), may not exceed applicable limitations on payments under 42 USC 1396a (a) (30)  
11 (A).

\*\*\*\*NOTE: This is reconciled s. 49.45 (52) (a) 1. This SECTION has been affected by  
draft LRB-0809/3.

12 **\*-0174/4.6\* SECTION 1456.** 49.45 (52) (a) 2. of the statutes is created to read:  
13 49.45 (52) (a) 2. The department may require a county department or local  
14 health department to submit a certified cost report that meets the requirements of  
15 the federal department of health and human services for covered services described  
16 in subd. 1.

17 **\*-0174/4.7\* SECTION 1457.** 49.45 (52) (b) of the statutes is created to read:  
18 49.45 (52) (b) If the department provides the notice under par. (c) selecting the  
19 payment procedure in this paragraph, all of the following apply:

20 1. Annually, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437  
21 shall submit a certified cost report that meets the requirements of the federal  
22 department of health and human services for covered services under s. 49.46 (2) (a)  
23 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13.,

15., and 16., except for services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating in the early intervention program under s. 51.44.

2. For services described under subd. 1., the department shall base the amount of a claim for federal medical assistance funds on certified cost reports submitted by county departments under subd. 1. to the extent the reports comply with federal requirements.

3. The department shall pay county departments a percentage of the federal funds claimed under subd. 2. for services described under subd. 1., which percentage is established in the most recent biennial budget.

4. The department may pay a local health department, as defined in s. 250.01 (4), that submits certified cost reports for services described under subd. 1. a percentage of the federal funds claimed for those services, which percentage is established in the most recent biennial budget.

**\*-0174/4.8\* SECTION 1458.** 49.45 (52) (c) of the statutes is created to read:

49.45 (52) (c) The department shall select a payment procedure under either par. (a) or (b) and may change which procedure under par. (a) or (b) is selected. The department shall notify each county department and local health department, as applicable, of the selected payment procedure before the date on which payment for services is made under that selected or newly selected procedure.

**\*-0174/4.9\* SECTION 1459.** 49.45 (53) of the statutes is amended to read:

49.45 (53) PAYMENTS FOR CERTAIN SERVICES. Beginning on January 1, 2003, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payments to providers for covered services under ss. 49.46 (2) (a) 4. d. and (b) 6. j. and m. and 49.471 (11) (f) that are provided before January 1, 2012.

**\*-1019/5.52\* SECTION 1460.** 49.46 (1) (a) 4. of the statutes is amended to read:

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1           49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.77~~ 49.39 or federal  
2 Title XVI.

3           **\*-1019/5.53\* SECTION 1461.** 49.46 (1) (a) 4m. of the statutes is amended to  
4 read:

5           49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

6           **\*-1019/5.54\* SECTION 1462.** 49.46 (1) (d) 4. of the statutes is amended to read:  
7           49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)  
8 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

9           **\*-1019/5.55\* SECTION 1463.** 49.46 (1) (e) of the statutes is amended to read:  
10          49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets  
11 the income limits under s. 49.19 or meets the income and resource requirements  
12 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,  
13 an accommodated person, or a patient in a public medical institution, the individual  
14 shall be granted the benefits enumerated under sub. (2) whether or not the  
15 individual requests or receives a grant of any of such aids.

16          **\*-1019/5.56\* SECTION 1464.** 49.465 (2) (a) of the statutes is amended to read:  
17          49.465 (2) (a) If the woman applies for benefits under s. 49.46 or 49.47 within  
18 the time required under sub. (4), the day on which the department ~~or the county~~  
19 ~~department~~ under s. ~~46.215, 46.22 or 46.23~~ determines whether the woman is  
20 eligible for benefits under s. 49.46 or 49.47.

21          **\*-0970/2.1\* SECTION 1465.** 49.468 (1) (b) of the statutes is amended to read:  
22          49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage  
23 under ~~part~~ Part A of medicare Medicare, entitled to coverage under ~~part~~ Part B of  
24 medicare Medicare, and who does not meet the eligibility criteria for ~~medical~~  
25 assistance Medical Assistance under s. 49.46 (1), 49.465, 49.47 (4), or 49.471 but

1 meets the limitations on income and resources under par. (d), ~~medical assistance~~  
2 Medical Assistance shall pay the deductible and coinsurance portions of ~~medicare~~  
3 Medicare services under 42 USC 1395 to 1395zz ~~which that~~ are not paid under 42  
4 USC 1395 to 1395zz, including those ~~medicare~~ Medicare services that are not  
5 included in the approved state plan for services under 42 USC 1396; the monthly  
6 premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under  
7 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums  
8 under ~~part~~ Part A of Medicare. Payment of coinsurance for a service under  
9 ~~part~~ Part B of Medicare under 42 USC 1395j to 1395w, other than payment  
10 of coinsurance for outpatient hospital services, and payment of coinsurance for a  
11 service under Part A of Medicare may not exceed the allowable charge for the service  
12 under ~~medical assistance~~ Medical Assistance minus the ~~medicare~~ Medicare  
13 payment.

14 **\*-0970/2.2\* SECTION 1466.** 49.468 (1) (c) of the statutes is amended to read:

15 49.468 (1) (c) For an elderly or disabled individual who is only entitled to  
16 coverage under ~~part~~ Part A of Medicare and who does not meet the  
17 eligibility criteria for ~~medical assistance~~ Medical Assistance under s. 49.46 (1),  
18 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under  
19 par. (d), ~~medical assistance~~ Medical Assistance shall pay the deductible and  
20 coinsurance portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395i  
21 ~~which that~~ are not paid under 42 USC 1395 to 1395i, including those ~~medicare~~  
22 Medicare services that are not included in the approved state plan for services under  
23 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and  
24 the late enrollment penalty for premiums under ~~part~~ Part A of Medicare,  
25 if applicable. Payment of coinsurance for a service under Part A of Medicare may not

1 exceed the allowable charge for the service under Medical Assistance minus the  
2 Medicare payment.

3 **\*-1019/5.57\* SECTION 1467.** 49.47 (3) (b) of the statutes is amended to read:

4 49.47 (3) (b) The agency department shall promptly review the application and  
5 shall issue a certificate to the individual showing eligibility when eligibility has been  
6 established.

7 **\*-1019/5.58\* SECTION 1468.** 49.47 (4) (c) 1. of the statutes is amended to read:

8 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,  
9 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families  
10 with dependent children payment under s. 49.19 (11) for the applicant's family size  
11 or the combined benefit amount available under supplemental security income  
12 under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,  
13 whichever is higher. In this subdivision "income" includes earned or unearned  
14 income that would be included in determining eligibility for the individual or family  
15 under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381  
16 to 1385. "Income" does not include earned or unearned income which would be  
17 excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~  
18 49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

19 **\*-1465/P4.338\* \*-0808/2.203\* SECTION 1469.** 49.47 (4) (i) 1. of the statutes is  
20 amended to read:

21 49.47 (4) (i) 1. The department shall request a waiver from the secretary of the  
22 federal department of health and human services to permit the application of subd.  
23 2. The waiver shall request approval to implement the waiver on a statewide basis,  
24 unless the department of health services determines that statewide implementation  
25 of the waiver would present an obstacle to the approval of the waiver by the secretary

1 of the federal department of health and human services, in which case the waiver  
2 shall request approval to implement the waiver in 48 pilot counties to be selected by  
3 the department of health services. Within 30 days after August 12, 1993, the  
4 department of ~~regulation and licensing~~ safety and professional services shall notify  
5 funeral directors licensed under ch. 445, cemetery associations, as defined in s.  
6 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of  
7 the waiver required to be requested under this subdivision. If the waiver is approved  
8 by the secretary of the federal department of health and human services and if the  
9 waiver remains in effect, subd. 2. shall apply.

10 **\*-1019/5.59\* SECTION 1470.** 49.471 (5) (b) 3. a. of the statutes is amended to  
11 read:

12 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)  
13 within the time required under par. (d), the benefits specified in subd. 1. or 2.,  
14 whichever is applicable, end on the day on which the department ~~or the county~~  
15 ~~department under s. 46.215, 46.22, or 46.23~~ determines whether the woman or child  
16 is eligible for benefits under sub. (4).

17 **\*-1019/5.60\* SECTION 1471.** 49.471 (7) (c) 4. of the statutes is amended to read:  
18 49.471 (7) (c) 4. Not include in the calculation any income of an individual  
19 receiving benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

20 **\*-1019/5.61\* SECTION 1472.** 49.472 (4) (a) 2. a. of the statutes is amended to  
21 read:

22 49.472 (4) (a) 2. a. A maintenance allowance established by the department by  
23 rule. The maintenance allowance may not be less than the sum of \$20, the federal  
24 supplemental security income payment level determined under 42 USC 1382 (b) and  
25 the state supplemental payment determined under s. ~~49.77 (2m)~~ 49.39 (2m).

1       **\*-0809/4.19\* SECTION 1473.** 49.472 (6) (a) of the statutes is amended to read:

2       49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation ~~account~~  
3       accounts under s. 20.435 (4) (b), (gm), or (w), the department shall, on the part of an  
4       individual who is eligible for medical assistance under sub. (3), pay premiums for or  
5       purchase individual coverage offered by the individual's employer if the department  
6       determines that paying the premiums for or purchasing the coverage will not be more  
7       costly than providing medical assistance.

8       **\*-0809/4.20\* SECTION 1474.** 49.472 (6) (b) of the statutes is amended to read:

9       49.472 (6) (b) If federal financial participation is available, from the  
10       appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department  
11       may pay medicare Part A and Part B premiums for individuals who are eligible for  
12       medicare and for medical assistance under sub. (3).

13       **\*-1019/5.62\* SECTION 1475.** 49.473 (2) (intro.) of the statutes is amended to  
14       read:

15       49.473 (2) (intro.) A woman is eligible for medical assistance as provided under  
16       sub. (5) if, after applying to the department ~~or a county department~~, the department  
17       ~~or a county department~~ determines that she meets all of the following requirements:

18       **\*-1019/5.63\* SECTION 1476.** 49.473 (3) (intro.) of the statutes is amended to  
19       read:

20       49.473 (3) (intro.) Prior to applying to the department ~~or a county department~~  
21       for medical assistance, a woman is eligible for medical assistance as provided under  
22       sub. (5) beginning on the date on which a qualified entity determines, on the basis  
23       of preliminary information, that the woman meets the requirements specified in sub.  
24       (2) and ending on one of the following dates:

25       **\*-1019/5.64\* SECTION 1477.** 49.473 (3) (a) of the statutes is amended to read:



1           49.473 (3) (a) If the woman applies to the department ~~or a county department~~  
2           for medical assistance within the time limit required under sub. (4), the day on which  
3           the department ~~or county department~~ determines whether the woman meets the  
4           requirements under sub. (2).

5           **\*-1019/5.65\* SECTION 1478.** 49.473 (3) (b) of the statutes is amended to read:

6           49.473 (3) (b) If the woman does not apply to the department ~~or county~~  
7           ~~department~~ for medical assistance within the time limit required under sub. (4), the  
8           last day of the month following the month in which the qualified entity determines  
9           that the woman is eligible for medical assistance.

10          **\*-1019/5.66\* SECTION 1479.** 49.473 (4) of the statutes is amended to read:

11          49.473 (4) A woman who a qualified entity determines under sub. (3) is eligible  
12          for medical assistance shall apply to the department ~~or county department~~ no later  
13          than the last day of the month following the month in which the qualified entity  
14          determines that the woman is eligible for medical assistance.

15          **\*-0809/4.21\* SECTION 1480.** 49.473 (5) of the statutes is amended to read:

16          49.473 (5) The department shall audit and pay, from the appropriation  
17          accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who  
18          is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who  
19          meets the requirements under sub. (2) for all benefits and services specified under  
20          s. 49.46 (2).

21          **\*-1019/5.67\* SECTION 1481.** 49.473 (6) (b) of the statutes is amended to read:

22          49.473 (6) (b) Inform the woman at the time of the determination that she is  
23          required to apply to the department ~~or a county department~~ for medical assistance  
24          no later than the last day of the month following the month in which the qualified  
25          entity determines that the woman is eligible for medical assistance.

1           **\*-1019/5.68\* SECTION 1482.** 49.496 (4) (a) of the statutes is renumbered 49.496  
2           (4) and amended to read:

3           49.496 (4) The department may require a county department under s. 46.215,  
4           46.22, or 46.23 or the governing body of a federally recognized American Indian tribe  
5           administering medical assistance to gather and provide the department with  
6           information needed to recover medical assistance under this section. ~~Except as~~  
7           ~~provided in par. (b), the~~ The department shall pay to a county department or tribal  
8           governing body an amount equal to 5% of the recovery collected by the department  
9           relating to a beneficiary for whom the county department or tribal governing body  
10          made the last determination of medical assistance eligibility. A county department  
11          or tribal governing body may use funds received under this ~~paragraph~~ subsection  
12          only to pay costs incurred under this ~~paragraph~~ subsection and, if any amount  
13          remains, to pay for improvements to functions required under s. 49.78 (2). The  
14          department may withhold payments under this ~~paragraph~~ subsection for failure to  
15          comply with the department's requirements under this ~~paragraph~~ subsection. The  
16          department shall treat payments made under this ~~paragraph~~ subsection as costs of  
17          administration of the Medical Assistance program.

18          **\*-1019/5.69\* SECTION 1483.** 49.496 (4) (b) of the statutes is repealed.

19          **\*-1019/5.70\* SECTION 1484.** 49.496 (5) of the statutes is amended to read:

20          49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the  
21          department shall pay the amount of the payments under sub. (4) (a) that is not paid  
22          from federal funds, shall pay to the federal government the amount of the funds  
23          recovered under this section equal to the amount of federal funds used to pay the  
24          benefits recovered under this section, and shall spend the remainder of the funds  
25          recovered under this section for medical assistance benefits under this subchapter.

1           **\*-1019/5.71\* SECTION 1485.** 49.497 (1) (b) of the statutes is amended to read:

2           49.497 (1) (b) The department's right of recovery is against any Medical  
3 Assistance or Badger Care recipient to whom or on whose behalf the incorrect  
4 payment was made. The extent of recovery is limited to the amount of the benefits  
5 incorrectly granted. ~~The county department under s. 46.215 or 46.22 or the~~  
6 governing body of a federally recognized American Indian tribe administering  
7 Medical Assistance or Badger Care ~~shall~~ may begin recovery actions on behalf of the  
8 department according to rules promulgated by the department.

9           **\*-1019/5.72\* SECTION 1486.** 49.497 (2) (a) of the statutes is renumbered 49.497  
10 (2) and amended to read:

11           49.497 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a  
12 federally recognized American Indian tribe may retain 15% of benefits provided  
13 under this subchapter or s. 49.665 that are recovered under this section due to the  
14 efforts of an employee or officer of the county or tribe.

15           **\*-1019/5.73\* SECTION 1487.** 49.497 (2) (b) of the statutes is repealed.

16           **\*-1156/1.1\* SECTION 1488.** 49.68 (3) (b) of the statutes is amended to read:

17           49.68 (3) (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je),  
18 the state shall pay ~~the cost of, at a rate determined by the department under par. (e),~~  
19 for medical treatment that is required as a direct result of chronic renal disease of  
20 certified patients from the date of certification, including ~~the cost of~~ administering  
21 recombinant human erythropoietin to appropriate patients, whether the treatment  
22 is rendered in an approved facility in the state or in a dialysis or transplantation  
23 center ~~which~~ that is approved as such by a contiguous state, subject to the conditions  
24 specified under par. (d). Approved facilities may include a hospital in-center dialysis  
25 unit or a nonhospital dialysis center ~~which~~ that is closely affiliated with a home

1 dialysis program supervised by an approved facility. Aid shall also be provided for  
2 all reasonable expenses incurred by a potential living-related donor, including  
3 evaluation, hospitalization, surgical costs, and postoperative follow-up to the extent  
4 that these costs are not reimbursable under the federal medicare program or other  
5 insurance. In addition, all expenses incurred in the procurement, transportation,  
6 and preservation of cadaveric donor kidneys shall be covered to the extent that these  
7 costs are not otherwise reimbursable. All donor-related costs are chargeable to the  
8 recipient and reimbursable under this subsection.

9 **\*-1156/1.2\* SECTION 1489.** 49.68 (3) (e) of the statutes is amended to read:

10 49.68 (3) (e) ~~State aids~~ Payment for services provided under this section shall  
11 be equal to at a rate determined by the department that does not exceed the allowable  
12 charges under the federal Medicare program. In no case shall state rates for  
13 individual service elements exceed the federally defined allowable costs. The rate  
14 of charges for services not covered by public and private insurance shall not exceed  
15 the reasonable charges as established by ~~medicare~~ Medicare fee determination  
16 procedures. A person that provides to a patient a service for which aid is provided  
17 under this section shall accept the amount paid under this section for the service as  
18 payment in full and may not bill the patient for any amount by which the charge for  
19 the service exceeds the amount paid for the service under this section. The state may  
20 not pay for the cost of travel, lodging, or meals for persons who must travel to receive  
21 inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall  
22 not apply to donor related costs as defined in par. (b).

23 **\*-1325/2.1\* SECTION 1490.** 49.688 (2) (a) 6. of the statutes is created to read:

24 49.688 (2) (a) 6. The person applies for and, if eligible, enrolls in Medicare  
25 under Part D of Title XVIII of the federal Social Security Act, 42 USC 1395w-101 to

1 1395w-153, if the secretary of the federal department of health and human services  
2 approves the condition on eligibility under this subdivision.

3 **\*-1325/2.2\* SECTION 1491.** 49.688 (2) (b) of the statutes is amended to read:

4 49.688 (2) (b) A person to whom par. (a) 1. to 3. ~~and~~, 5., and 6. applies, but whose  
5 annual household income, as determined by the department, exceeds 240% of the  
6 federal poverty line for a family the size of the persons' eligible family, is eligible to  
7 purchase a prescription drug at the amounts specified in sub. (5) (a) 4. only during  
8 the remaining amount of any 12-month period in which the person has first paid the  
9 annual deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at  
10 the retail price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

11 **\*-1019/5.74\* SECTION 1492.** 49.77 of the statutes is renumbered 49.39, and  
12 49.39 (6), as renumbered, is amended to read:

13 49.39 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer  
14 this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the  
15 administration of eligibility determinations and benefits payments.

16 **\*-1019/5.75\* SECTION 1493.** 49.775 of the statutes is renumbered 49.395, and  
17 49.395 (2) (a), (b), (bm) and (e) 1., as renumbered, are amended to read:

18 49.395 (2) (a) The custodial parent is a recipient of supplemental security  
19 income under 42 USC 1381 to 1383c or of state supplemental payments under s.  
20 ~~49.77~~ 49.39, or both.

21 (b) If the dependent child has 2 custodial parents, each custodial parent  
22 receives supplemental security income under 42 USC 1381 to 1383c or state  
23 supplemental payments under s. ~~49.77~~ 49.39, or both.

24 (bm) The custodial parent assigns to the state any right of the custodial parent  
25 or of the dependent child to support from any other person accruing during the time

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1 that any payment under this subsection is made to the custodial parent. No amount  
2 of support that begins to accrue after the individual ceases to receive payments under  
3 this section may be considered assigned to the state. Seventy-five percent of all  
4 money that is received by the department of ~~children and families~~ under an  
5 assignment to the state under this paragraph shall be paid to the custodial parent.  
6 The department of ~~children and families~~ shall pay the federal share of support  
7 assigned under this paragraph as required under federal law or waiver.

8 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he  
9 or she receives supplemental security income under 42 USC 1381 to 1383c or state  
10 supplemental payments under s. ~~49.77~~ 49.39.

11 **\*-1019/5.76\* SECTION 1494.** 49.776 of the statutes is renumbered 49.396 and  
12 amended to read:

13 **49.396 Payment of support arrears.** If a custodial parent who formerly  
14 received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer  
15 receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state  
16 under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right  
17 of the dependent child to support from any other person, the department shall pay  
18 to the custodial parent all money in support arrears that is collected by the  
19 department after the custodial parent's receipt of payments under s. 49.775, 2009  
20 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving  
21 those payments.

22 **\*-1195/2.31\* SECTION 1495.** 49.78 (1) (b) of the statutes is amended to read:

23 49.78 (1) (b) "Income maintenance program" means the Medical Assistance  
24 program under subch. IV of ch. 49, the Badger Care health care program under s.

1 49.665, ~~the food stamp program under 7 USC 2011 to 2036~~, or the cemetery, funeral,  
2 and burial expenses program under s. 49.785.

3 **\*-1019/5.77\* SECTION 1496.** 49.78 (1) (bm) of the statutes is created to read:

4 49.78 (1) (bm) "Income maintenance worker" means a person employed by or  
5 under a contract with the department or a tribal governing body whose duties  
6 include determining eligibility for income maintenance programs.

7 **\*-1019/5.78\* SECTION 1497.** 49.78 (1) (f) of the statutes is created to read:

8 49.78 (1) (f) "Unit" means the income maintenance administration unit.

9 **\*-1019/5.80\* SECTION 1498.** 49.78 (1m) of the statutes is created to read:

10 49.78 (1m) ESTABLISHMENT OF UNIT. The department shall establish an income  
11 maintenance administration unit under s. 15.02 (3) (c) 3. to administer income  
12 maintenance programs in this state, except as provided in s. 49.825 (2).  
13 Administration of income maintenance programs includes the following:

14 (a) Receiving applications.

15 (b) Determining eligibility.

16 (c) Conducting fraud investigation and fraud prevention activities.

17 (d) Implementing error reduction procedures.

18 (e) Recovering overpayments of benefits.

19 **\*-1019/5.79\* SECTION 1499.** 49.78 (1m) (intro.) of the statutes, as created by  
20 2011 Wisconsin Act .... (this act), is amended to read:

21 49.78 (1m) (intro.) The department shall establish an income maintenance  
22 administration unit under s. 15.02 (3) (c) 3. to administer income maintenance  
23 programs in this state, ~~except as provided in s. 49.825 (2)~~. Administration of income  
24 maintenance programs includes the following:

25 **\*-1019/5.81\* SECTION 1500.** 49.78 (1p) of the statutes is created to read:

## SECTION 1500

1           49.78 (1p) INCOME MAINTENANCE ADMINISTRATION UNIT CONTRACTS. The  
2 department may contract with a public or private entity to provide the income  
3 maintenance administrative services described in sub. (1m). A contract to provide  
4 income maintenance administrative services under this section is exempt from  
5 subch. IV of ch. 16.

6           \*-1019/5.82\* SECTION 1501. 49.78 (1r) of the statutes is created to read:

7           49.78 (1r) ADMINISTRATION BY A TRIBAL GOVERNING BODY. A tribal governing body  
8 may administer income maintenance programs by electing to have the unit  
9 administer the tribe's income maintenance programs or by providing the required  
10 administrative services and entering into a contract with the department for  
11 reimbursement under sub. (2).

12           \*-1019/5.83\* SECTION 1502. 49.78 (2) of the statutes is amended to read:

13           49.78 (2) CONTRACTS WITH A TRIBAL GOVERNING BODY. Annually, for the income  
14 maintenance administrative program functions, if any, that the department  
15 delegates to a ~~county or~~ tribal governing body, ~~the department and county~~  
16 ~~department under s. 46.215, 46.22, or 46.23 shall enter into a contract, and the~~  
17 department and tribal governing body may enter into a contract, for reimbursement  
18 of the ~~county department or~~ tribal governing body for the reasonable cost of  
19 administering income maintenance programs.

20           \*-1019/5.84\* SECTION 1503. 49.78 (4) of the statutes is renumbered 49.19 (19g)

21 (a) and amended to read:

22           49.19 (19g) (a) ~~RULES; MERIT SYSTEM~~. The department of children and families  
23 shall promulgate rules for the efficient administration of aid to families with  
24 dependent children in agreement with the requirement for federal aid, including the  
25 establishment and maintenance of personnel standards on a merit basis. The



provisions of this ~~section~~ subsection relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel. This ~~subsection~~ paragraph shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

**\*-1019/5.85\* SECTION 1504.** 49.78 (5) of the statutes is renumbered 49.19 (19g) (b) and amended to read:

49.19 (19g) (b) ~~PERSONNEL EXAMINATIONS.~~ Statewide examinations to ascertain qualifications of applicants in any county department administering aid to families with dependent children shall be given by the administrator of the division of merit recruitment and selection in the office of state employment relations. The office of state employment relations shall be reimbursed for actual expenditures incurred in the performance of its functions under this ~~section~~ subsection from the appropriations available to the department of ~~children and families~~ for administrative expenditures.

**\*-1019/5.86\* SECTION 1505.** 49.78 (6) (title) of the statutes is repealed.

**\*-1019/5.87\* SECTION 1506.** 49.78 (6) of the statutes is renumbered 49.19 (19g) (c).

**\*-1019/5.88\* SECTION 1507.** 49.78 (7) of the statutes is renumbered 49.19 (19g) (d) and amended to read:

49.19 (19g) (d) ~~COUNTY PERSONNEL SYSTEMS.~~ Pursuant to rules promulgated under ~~sub. (4) par. (a)~~, the department of ~~children and families~~ where requested by the county shall delegate to that county, without restriction because of enumeration, any or all of the authority of the department of ~~children and families~~ under ~~sub. (4) par. (a)~~ to establish and maintain personnel standards including salary levels.

**\*-1019/5.89\* SECTION 1508.** 49.78 (8) (a) of the statutes is amended to read:

## SECTION 1508

1           49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435  
2           (4) ~~(bn)~~ (bm) and (nn) and subject to par. (b), the department shall reimburse each  
3           ~~county and~~ tribal governing body that contracts with the department under sub. (2)  
4           for reasonable costs of administering the income maintenance programs, including  
5           conducting fraud prevention activities. The amount of each reimbursement paid  
6           under this paragraph shall be calculated using a formula based on workload within  
7           the limits of available state and federal funds under s. 20.435 (4) ~~(bn)~~ (bm) and (nn)  
8           by contract under sub. (2). The amount of reimbursement calculated under this  
9           paragraph and par. (b) is in addition to any reimbursement provided to a ~~county or~~  
10          tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

11          \*-1019/5.90\* SECTION 1509. 49.78 (8) (b) of the statutes is amended to read:

12          49.78 (8) (b) The department may adjust the amounts determined under par.  
13          (a) for workload changes and computer network activities performed by a ~~county or~~  
14          tribal governing body and may reduce the amount of any reimbursement if federal  
15          reimbursement is withheld due to audits, quality control samples, or program  
16          reviews.

17          \*-1019/5.91\* SECTION 1510. 49.78 (10) (title) of the statutes is amended to  
18          read:

19          49.78 (10) (title) COUNTY TRIBAL GOVERNING BODY CERTIFICATION.

20          \*-1019/5.92\* SECTION 1511. 49.78 (10) (a) of the statutes is amended to read:

21          49.78 (10) (a) ~~Each county treasurer and director of a county department under~~  
22          ~~s. 46.215, 46.22, or 46.23 that contracts with the department under sub. (2) and each~~  
23          Each tribal governing body that contracts with the department under sub. (2) shall  
24          certify monthly under oath to the department in such manner as the department  
25          prescribes the claim of the ~~county or~~ tribal governing body for state reimbursement

1 under sub. (8) (a). The department shall review each claim of reimbursement and,  
2 if the department approves the claim, the department shall certify to the department  
3 of administration for reimbursement to the ~~county or~~ tribal governing body for  
4 amounts due under sub. (8) (a) and payment claimed to be made to the ~~counties or~~  
5 tribal governing bodies monthly. The department may make advance payments  
6 prior to the beginning of each month equal to one-twelfth of the contracted amount.

7 **\*-1019/5.93\* SECTION 1512.** 49.78 (10) (b) of the statutes is amended to read:

8 49.78 (10) (b) To facilitate prompt reimbursement, the certificate of the  
9 department may be based on the certified statements of the ~~county officers or~~ tribal  
10 governing body executives filed under par. (a). Funds recovered from audit  
11 adjustments from a prior fiscal year may be included in subsequent certifications  
12 only to pay ~~counties~~ tribal governing bodies owed funds as a result of any audit  
13 adjustment. By September 30 annually, the department shall submit a report to the  
14 appropriate standing committees under s. 13.172 (3) on funds recovered and paid out  
15 during the previous calendar year as a result of audit adjustments.

16 **\*-1019/5.94\* SECTION 1513.** 49.785 (1) (intro.) of the statutes is amended to  
17 read:

18 49.785 (1) (intro.) Except as provided in sub. (1m) ~~and subject to s. 49.825~~, if  
19 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is  
20 insufficient to pay the funeral, burial, and cemetery expenses of the deceased  
21 recipient, the department or county or applicable tribal governing body or  
22 organization responsible for burial of the recipient shall pay, to the person  
23 designated by the department or county department under s. 46.215, 46.22, or 46.23  
24 or applicable tribal governing body or organization responsible for the burial of the  
25 recipient, all of the following:

## SECTION 1514

1           **\*-1019/5.95\* SECTION 1514.** 49.785 (1) (intro.) of the statutes, as affected by  
2   2011 Wisconsin Act .... (this act), is amended to read:

3           49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient specified in  
4   sub. (1c) dies and the estate of the deceased recipient is insufficient to pay the  
5   funeral, burial, and cemetery expenses of the deceased recipient, the department ~~or~~  
6   ~~county~~ or applicable tribal governing body or organization responsible for burial of  
7   the recipient shall pay, to the person designated by the department ~~or county~~  
8   ~~department under s. 46.215, 46.22, or 46.23~~ or applicable tribal governing body or  
9   organization responsible for the burial of the recipient, all of the following:

10          **\*-1019/5.96\* SECTION 1515.** 49.785 (1c) (a) of the statutes is amended to read:

11          49.785 (1c) (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148,  
12   49.39, or 49.46, or 49.77, or under 42 USC 1381 to 1385 in effect on May 8, 1980.

13          **\*-1019/5.97\* SECTION 1516.** 49.785 (1m) (a) of the statutes is amended to read:

14          49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,  
15   the department ~~or county~~ or applicable tribal governing body or organization  
16   responsible for burial of the recipient is not required to make a payment for the  
17   cemetery expenses under sub. (1) (a).

18          **\*-1019/5.98\* SECTION 1517.** 49.785 (1m) (b) of the statutes is amended to read:

19          49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed  
20   \$4,500, the department ~~or county~~ or applicable tribal governing body or organization  
21   responsible for burial of the recipient is not required to make a payment for funeral  
22   and burial expenses under sub. (1) (b).

23          **\*-1019/5.99\* SECTION 1518.** 49.785 (1m) (c) of the statutes is amended to read:

24          49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12  
25   months after the death of the recipient, the department ~~or county~~ or applicable tribal

governing body or organization responsible for burial of the recipient is not required to make a payment for cemetery, funeral, or burial expenses.

**\*-1019/5.100\* SECTION 1519.** 49.785 (2) of the statutes is amended to read:

49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department shall reimburse a county or applicable tribal governing body or organization for any amount that the county or applicable tribal governing body or organization is required to pay under sub. (1) if the county or applicable tribal governing body or organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department shall reimburse a county or applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for a person described under sub. (1) that the county or applicable tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department approves the reimbursement due to unusual circumstances and if the county or applicable tribal governing body or organization complies with sub. (3).

**\*-1019/5.101\* SECTION 1520.** 49.785 (2) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

49.785 (2) From the appropriation under s. 20.435 (4) (br), the department shall reimburse ~~a county or an~~ applicable tribal governing body or organization for any amount that the ~~county or applicable~~ tribal governing body or organization is required to pay under sub. (1) if the ~~county or applicable~~ tribal governing body or organization complies with sub. (3). From the appropriation under s. 20.435 (4) (br), the department shall reimburse ~~a county or an~~ applicable tribal governing body or organization for cemetery expenses or for funeral and burial expenses for a person described under sub. (1) that the ~~county or applicable~~ tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department

1 approves the reimbursement due to unusual circumstances and if the ~~county or~~  
2 applicable tribal governing body or organization complies with sub. (3).

3 **\*-1019/5.102\* SECTION 1521.** 49.785 (3) (intro.) of the statutes is amended to  
4 read:

5 49.785 (3) (intro.) As a condition for reimbursement under sub. (2) for amounts  
6 paid on behalf of a deceased recipient, ~~a county or an~~ applicable tribal governing  
7 body or organization shall provide to the department all of the following information  
8 with respect to the deceased recipient:

9 **\*-1019/5.103\* SECTION 1522.** 49.785 (3) (c) of the statutes is amended to read:  
10 49.785 (3) (c) The total amount of each of the expenses under pars. (a) and (b)  
11 that the ~~county or~~ tribal governing body or organization paid on behalf of the  
12 deceased recipient.

13 **\*-1195/2.32\* SECTION 1523.** 49.79 (title) of the statutes is renumbered 49.37  
14 (title) and amended to read:

15 **49.37 (title) ~~Food stamp~~ Supplemental nutrition assistance program**  
16 **administration.**

17 **\*-1195/2.33\* SECTION 1524.** 49.79 (1) (intro.) of the statutes is renumbered  
18 49.37 (1) (intro.).

19 **\*-1195/2.34\* SECTION 1525.** 49.79 (1) (a) of the statutes is renumbered 49.37  
20 (1) (a).

21 **\*-1195/2.35\* SECTION 1526.** 49.79 (1) (c) of the statutes is renumbered 49.37  
22 (1) (f) and amended to read:

23 49.37 (1) (f) "~~Food stamp program~~ Supplemental nutrition assistance program"  
24 means the federal ~~food stamp~~ supplemental nutrition assistance program under 7  
25 USC 2011 to 2036.

**\*-1195/2.36\* SECTION 1527.** 49.79 (1) (f) of the statutes is renumbered 49.37 (1) (c).

**\*-1195/2.37\* SECTION 1528.** 49.79 (1) (g) of the statutes is renumbered 49.37 (1) (g).

**\*-1195/2.38\* SECTION 1529.** 49.79 (2) of the statutes is renumbered 49.37 (2) and amended to read:

49.37 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work requirements of the employment and training program under sub. (9) is ineligible to participate in the ~~food stamp~~ supplemental nutrition assistance program as specified under sub. (9) (b).

**\*-1195/2.39\* SECTION 1530.** 49.79 (3) (title) of the statutes is renumbered 49.37 (3) (title) and amended to read:

49.37 (3) (title) LIABILITY FOR ~~LOST FOOD COUPONS~~ MISAPPROPRIATED BENEFITS.

**\*-1019/5.104\* SECTION 1531.** 49.79 (3) (a) of the statutes is amended to read:

49.79 (3) (a) A ~~county or~~ federally recognized American Indian tribe is liable for all food stamp coupons lost, misappropriated, or destroyed while under the ~~county's or~~ tribe's direct control, except as provided in par. (b).

**\*-1195/2.40\* SECTION 1532.** 49.79 (3) (a) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is renumbered 49.37 (3) (a) and amended to read:

49.37 (3) (a) A federally recognized American Indian tribe is liable for all ~~food stamp coupons lost,~~ supplemental nutrition assistance program benefits that are misappropriated, ~~or destroyed~~ while under the tribe's direct control, except as provided in par. (b).

\*\*\*\*NOTE: This is reconciled s. 49.79 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1.

1           **\*-1019/5.105\* SECTION 1533.** 49.79 (3) (b) of the statutes is amended to read:

2           49.79 (3) (b) A ~~county or~~ federally recognized American Indian tribe is not liable  
3 for food stamp coupons lost in natural disasters if it provides evidence acceptable to  
4 the department that the coupons were destroyed and not redeemed.

5           **\*-1195/2.41\* SECTION 1534.** 49.79 (3) (b) of the statutes, as affected by 2011  
6 Wisconsin Act .... (this act), is repealed.

      \*\*\*\*NOTE: This is reconciled s. 49.79 (3) (b). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1.

7           **\*-1019/5.106\* SECTION 1535.** 49.79 (3) (c) of the statutes is amended to read:

8           49.79 (3) (c) A ~~county or~~ federally recognized American Indian tribe is liable  
9 for food stamp coupons mailed to ~~residents of the county or~~ members of the tribe and  
10 lost in the mail due to incorrect information submitted to the department by the  
11 ~~county or~~ tribe.

12           **\*-1195/2.42\* SECTION 1536.** 49.79 (3) (c) of the statutes, as affected by 2011  
13 Wisconsin Act .... (this act), is renumbered 49.37 (3) (c) and amended to read:

14           49.37 (3) (c) A federally recognized American Indian tribe is liable for ~~food~~  
15 ~~stamp coupons mailed~~ supplemental nutrition assistance program benefits  
16 incorrectly transferred to members of the tribe ~~and lost in the mail~~ due to incorrect  
17 information submitted to the department by the tribe.

      \*\*\*\*NOTE: This is reconciled s. 49.79 (3) (c). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1.

18           **\*-1019/5.107\* SECTION 1537.** 49.79 (4) of the statutes is amended to read:

19           49.79 (4) DEDUCTIONS FROM ~~COUNTY~~ INCOME MAINTENANCE PAYMENTS. The  
20 department shall withhold the value of food stamp losses for which a ~~county or~~  
21 federally recognized American Indian tribe is liable under sub. (3) from the payment



1 to the ~~county or~~ tribe under income maintenance contracts under s. 49.78 and  
2 reimburse the federal government from the funds withheld.

3 **\*-1195/2.43\* SECTION 1538.** 49.79 (4) of the statutes, as affected by 2011  
4 Wisconsin Act .... (this act), is renumbered 49.37 (4) and amended to read:

5 49.37 (4) DEDUCTIONS FROM INCOME MAINTENANCE PAYMENTS. The department  
6 shall withhold the value of ~~food stamp~~ any losses for which a federally recognized  
7 American Indian tribe is liable under sub. (3) from the payment to the tribe under  
8 ~~income maintenance contracts under s. 49.78~~ contracts for the administration of the  
9 supplemental nutrition assistance program and reimburse the federal government  
10 from the funds withheld.

\*\*\*\*NOTE: This is reconciled s. 49.79 (4). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1.

11 **\*-1195/2.44\* SECTION 1539.** 49.79 (5) (title) of the statutes is renumbered  
12 49.37 (5) (title).

13 **\*-1195/2.45\* SECTION 1540.** 49.79 (5) (a) of the statutes is renumbered 49.37  
14 (5) (a) and amended to read:

15 49.37 (5) (a) The department shall require an applicant for, or recipient under,  
16 the ~~food stamp~~ supplemental nutrition assistance program to state in writing  
17 whether the applicant or recipient or any member of the applicant's or recipient's  
18 household has been convicted, in any state or federal court of a felony that has as an  
19 element possession, use or distribution of a controlled substance. The department  
20 shall require an applicant or recipient, or member of the applicant's or recipient's  
21 household to submit to a test for use of a controlled substance as a condition of  
22 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the  
23 date the written statement is made, the applicant or recipient or the member of the

1 applicant's or recipient's household was convicted in any state or federal court of a  
2 felony that had as an element possession, use or distribution of a controlled  
3 substance. If the test results are positive with respect to any individual, the  
4 department may not consider the needs of that individual in determining the  
5 household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program  
6 for at least 12 months from the date of the test. The department shall, however,  
7 consider the income and resources of that individual to be available to the household.

8 **\*-1195/2.46\* SECTION 1541.** 49.79 (5) (b) of the statutes is renumbered 49.37  
9 (5) (b).

10 **\*-1195/2.47\* SECTION 1542.** 49.79 (6) of the statutes is renumbered 49.37 (6)  
11 and amended to read:

12 49.37 (6) INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the ~~food~~  
13 ~~stamp~~ supplemental nutrition assistance program in a month in which that person  
14 is a fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,  
15 extended supervision or parole imposed by a state or federal court.

16 **\*-1195/2.48\* SECTION 1543.** 49.79 (7) of the statutes is renumbered 49.37 (7)  
17 and amended to read:

18 49.37 (7) SIMPLIFIED ~~FOOD STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.  
19 The department shall develop a simplified ~~food stamp program~~ supplemental  
20 nutrition assistance program that meets all of the requirements under P.L. 104-193,  
21 section 854, and shall submit the plan to the secretary of the federal department of  
22 agriculture for approval. If the secretary of the federal department of agriculture  
23 approves the plan, the department shall submit the plan to the secretary of  
24 administration for approval. If the secretary of administration approves the plan,  
25 the department may implement the plan.

1           **\*-0151/1.1\* SECTION 1544.** 49.79 (8) of the statutes is amended to read:

2           49.79 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide  
3           benefits under this section to a qualified alien ~~who is ineligible for benefits under this~~  
4           ~~section solely because of the application of 9 USC 1612 or 1613 according to a plan~~  
5           ~~approved by the federal department of agriculture. This subsection does not apply,~~  
6           except to the extent that federal food stamp benefits for qualified aliens are restored  
7           required by the federal government.

8           **\*-1195/2.49\* SECTION 1545.** 49.79 (8) of the statutes, as affected by 2011  
9           Wisconsin Act .... (this act), is renumbered 49.37 (8) and amended to read:

10          49.37 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide  
11          benefits under this section to a qualified alien, except to the extent that federal food  
12          stamp supplemental nutrition assistance program benefits for qualified aliens are  
13          required by the federal government.

          \*\*\*\*NOTE: This is reconciled s. 49.79 (8). This SECTION has been affected by drafts  
          with the following LRB numbers: 0151/1 and 1195/1.

14          **\*-1195/2.50\* SECTION 1546.** 49.79 (8m) (title) of the statutes is renumbered  
15          49.37 (8m) (title).

16          **\*-1195/2.51\* SECTION 1547.** 49.79 (8m) (a) of the statutes is renumbered 49.37  
17          (8m) (a) and amended to read:

18          49.37 (8m) (a) The department shall allow a prisoner who is applying for the  
19          ~~food stamp~~ supplemental nutrition assistance program from a correctional  
20          institution in anticipation of being released from the institution to use the address  
21          of the correctional institution as his or her address on the application.

22          **\*-1195/2.52\* SECTION 1548.** 49.79 (8m) (b) of the statutes is renumbered 49.37  
23          (8m) (b) and amended to read:

1           49.37 (8m) (b) The department shall allow an employee of a correctional  
2 institution who has been authorized by a prisoner of the institution to act on his or  
3 her behalf in matters related to the ~~food stamp~~ supplemental nutrition assistance  
4 program to receive and conduct telephone calls on behalf of the prisoner in matters  
5 related to the ~~food stamp~~ supplemental nutrition assistance program.

6           \*-1195/2.53\* SECTION 1549. 49.79 (9) (title) of the statutes is renumbered  
7 49.37 (9) (title).

8           \*-1019/5.108\* SECTION 1550. 49.79 (9) (a) 1. of the statutes is amended to read:  
9 49.79 (9) (a) 1. The department shall administer an employment and training  
10 program for recipients under the food stamp program and may contract under s.  
11 49.78 ~~with county departments under ss. 46.215, 46.22, and 46.23, and with tribal~~  
12 governing bodies to carry out the administrative functions. The department may  
13 contract, or a ~~county department or~~ tribal governing body may subcontract, with a  
14 Wisconsin Works agency or another provider to administer the employment and  
15 training program under this subsection. Except as provided in subds. 2. and 3., the  
16 department may require able individuals who are 18 to 60 years of age who are not  
17 participants in a Wisconsin Works employment position to participate in the  
18 employment and training program under this subsection.

19           \*-1195/2.54\* SECTION 1551. 49.79 (9) (a) 1. of the statutes, as affected by 2011  
20 Wisconsin Act .... (this act), is renumbered 49.37 (9) (a) 1. and amended to read:

21 49.37 (9) (a) 1. The department shall administer an employment and training  
22 program for recipients under the ~~food stamp~~ supplemental nutrition assistance  
23 program and may contract ~~under s. 49.78~~ with tribal governing bodies to carry out  
24 the administrative functions. The department may contract, or a tribal governing  
25 body may subcontract, with a Wisconsin Works agency or another provider to

1 administer the employment and training program under this subsection. Except as  
2 provided in subds. 2. and 3., the department may require able individuals who are  
3 18 to 60 years of age who are not participants in a Wisconsin Works employment  
4 position to participate in the employment and training program under this  
5 subsection.

\*\*\*\*NOTE: This is reconciled s. 49.79 (9) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1.

6 **\*-1195/2.55\* SECTION 1552.** 49.79 (9) (a) 2. of the statutes is renumbered 49.37  
7 (9) (a) 2. and amended to read:

8 49.37 (9) (a) 2. The department may not require an individual who is a recipient  
9 under the ~~food stamp~~ supplemental nutrition assistance program and who is the  
10 caretaker of a child under the age of 12 weeks to participate in any employment and  
11 training program under this subsection.

12 **\*-1195/2.56\* SECTION 1553.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37  
13 (9) (a) 3. and amended to read:

14 49.37 (9) (a) 3. The department may not require an individual who is a recipient  
15 under the ~~food stamp~~ supplemental nutrition assistance program to participate in  
16 any employment and training program under this subsection if that individual is  
17 enrolled at least half time in a school, as defined in s. 49.26 (1) (a) 2., a training  
18 program, or an institution of higher education.

19 **\*-1195/2.57\* SECTION 1554.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37  
20 (9) (a) 4. and amended to read:

21 49.37 (9) (a) 4. The amount of ~~food stamp~~ supplemental nutrition assistance  
22 benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works

## SECTION 1554

1 employment position under s. 49.147 (4) or (5) shall be calculated based on the  
2 pre-sanction benefit amount received s. 49.148.

3 **\*-1195/2.58\* SECTION 1555.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37  
4 (9) (a) 5.

5 **\*-1195/2.59\* SECTION 1556.** 49.79 (9) (b) (intro.) of the statutes is renumbered  
6 49.37 (9) (b) (intro.) and amended to read:

7 49.37 (9) (b) (intro.) An individual who fails to comply with the work  
8 requirements under par. (a) without good cause is ineligible to participate in the food  
9 stamp supplemental nutrition assistance program as follows:

10 **\*-1195/2.60\* SECTION 1557.** 49.79 (9) (b) 1. of the statutes is renumbered 49.37  
11 (9) (b) 1.

12 **\*-1195/2.61\* SECTION 1558.** 49.79 (9) (b) 2. of the statutes is renumbered 49.37  
13 (9) (b) 2.

14 **\*-1195/2.62\* SECTION 1559.** 49.79 (9) (b) 3. of the statutes is renumbered 49.37  
15 (9) (b) 3.

16 **\*-1195/2.63\* SECTION 1560.** 49.793 (title) of the statutes is renumbered 49.373  
17 (title) and amended to read:

18 **49.373 (title) Recovery of food stamps supplemental nutrition**  
19 **assistance program overpayments.**

20 **\*-1019/5.109\* SECTION 1561.** 49.793 (1) of the statutes is amended to read:

21 49.793 (1) The department ~~or a county~~ or an elected governing body of a  
22 federally recognized American Indian tribe or band acting on behalf of the  
23 department, may recover overpayments that arise from an overissuance of food  
24 coupons under the food stamp program administered under s. ~~46.215 (1) (k) or 46.22~~  
25 ~~(1) (b) 2. d~~ 49.78. Recovery shall be made in accordance with 7 USC 2022.

1           **\*-1195/2.64\* SECTION 1562.** 49.793 (1) of the statutes, as affected by 2011  
2       Wisconsin Act .... (this act), is renumbered 49.373 (1) and amended to read:

3           49.373 (1) The department or an elected governing body of a federally  
4       recognized American Indian tribe or band acting on behalf of the department, may  
5       recover overpayments that arise from an overissuance of ~~food coupons~~ benefits under  
6       the ~~food stamp~~ supplemental nutrition assistance program administered under s.  
7       49.78. Recovery shall be made in accordance with 7 USC 2022.

          \*\*\*\*NOTE: This is reconciled s. 49.793 (1). This SECTION has been affected by drafts  
          with the following LRB numbers: 1019/4 and 1195/1.

8           **\*-1195/2.65\* SECTION 1563.** 49.793 (2) of the statutes, as affected by 2011  
9       Wisconsin Act .... (this act), is renumbered 49.373 (2).

          \*\*\*\*NOTE: This is reconciled s. 49.793 (2). This SECTION has been affected by drafts  
          with the following LRB numbers: 1019/4 and 1195/1.

10          **\*-1019/5.110\* SECTION 1564.** 49.793 (2) (a) of the statutes is renumbered  
11       49.793 (2) and amended to read:

12          49.793 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a  
13       federally recognized American Indian tribe may retain a portion of the amount of an  
14       overpayment the state is authorized to retain under 7 USC 2025 that is recovered  
15       under sub. (1) due to the efforts of an employee or officer of the county or tribe. The  
16       department shall promulgate a rule establishing the portion of the amount of the  
17       overpayment that the county or governing body may retain. This ~~paragraph~~  
18       subsection does not apply to recovery of an overpayment that was made as a result  
19       of state, county, or tribal governing body error.

20          **\*-1019/5.111\* SECTION 1565.** 49.793 (2) (b) of the statutes is repealed.

21          **\*-1195/2.66\* SECTION 1566.** 49.795 (title) of the statutes is renumbered 49.375  
22       (title) and amended to read:

1           **49.375 (title) ~~Food stamp~~ Supplemental nutrition assistance program**  
2       **offenses.**

3           **\*-1195/2.67\* SECTION 1567.** 49.795 (1) (intro.) of the statutes is renumbered  
4       49.375 (1) (intro.).

5           **\*-1195/2.68\* SECTION 1568.** 49.795 (1) (a) of the statutes is renumbered 49.375  
6       (1) (a) and amended to read:

7           49.375 (1) (a) "Eligible person" means a member of a household certified as  
8       eligible for the ~~food stamp~~ supplemental nutrition assistance program or a person  
9       authorized to represent a certified household under 7 USC 2020 (e) (7).

10          **\*-1195/2.69\* SECTION 1569.** 49.795 (1) (b) of the statutes is renumbered 49.375  
11       (1) (b) and amended to read:

12          49.375 (1) (b) "Food" means items ~~which~~ that may be purchased using ~~food~~  
13       ~~coupons~~ supplemental nutrition assistance program benefits under 7 USC 2012 (g)  
14       and 2016 (b).

15          **\*-1195/2.70\* SECTION 1570.** 49.795 (1) (c) of the statutes is renumbered 49.375  
16       (1) (c) and amended to read:

17          49.375 (1) (c) "~~Food stamp~~ Supplemental nutrition assistance program" means  
18       the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC  
19       2011 to ~~2029~~ 2036.

20          **\*-1195/2.71\* SECTION 1571.** 49.795 (1) (d) of the statutes is renumbered 49.375  
21       (1) (d) and amended to read:

22          49.375 (1) (d) "Supplier" means a retail grocery store or other person  
23       authorized by the federal department of agriculture to accept ~~food-coupons~~  
24       supplemental nutrition assistance program benefits in exchange for food under the  
25       ~~food stamp~~ supplemental nutrition assistance program.



1           **\*-1195/2.72\* SECTION 1572.** 49.795 (1) (e) (intro.) of the statutes is renumbered  
2           49.375 (1) (e) (intro.).

3           **\*-1019/5.112\* SECTION 1573.** 49.795 (1) (e) 1. of the statutes is amended to  
4           read:

5           49.795 (1) (e) 1. An employee or officer of the federal government, the state,  
6           ~~a county~~ or a federally recognized American Indian tribe acting in the course of  
7           official duties in connection with the food stamp program.

8           **\*-1195/2.73\* SECTION 1574.** 49.795 (1) (e) 1. of the statutes, as affected by 2011  
9           Wisconsin Act .... (this act), is renumbered 49.375 (1) (e) 1. and amended to read:

10          49.375 (1) (e) 1. An employee or officer of the federal government, the state, or  
11          a federally recognized American Indian tribe acting in the course of official duties in  
12          connection with the ~~food stamp~~ supplemental nutrition assistance program.

      \*\*\*\*NOTE: This is reconciled s. 49.795 (1) (e) 1. This SECTION has been affected by  
      drafts with the following LRB numbers: 1019/4 and 1195/1.

13          **\*-1019/5.113\* SECTION 1575.** 49.795 (1) (e) 2. of the statutes is amended to  
14          read:

15          49.795 (1) (e) 2. A person acting in the course of duties under a contract with  
16          the federal government, the state, ~~a county~~ or a federally recognized American  
17          Indian tribe in connection with the food stamp program.

18          **\*-1195/2.74\* SECTION 1576.** 49.795 (1) (e) 2. of the statutes, as affected by 2011  
19          Wisconsin Act .... (this act), is renumbered 49.375 (1) (e) 2. and amended to read:

20          49.375 (1) (e) 2. A person acting in the course of duties under a contract with  
21          the federal government, the state, or a federally recognized American Indian tribe  
22          in connection with the ~~food stamp~~ supplemental nutrition assistance program.

      \*\*\*\*NOTE: This is reconciled s. 49.795 (1) (e) 2. This SECTION has been affected by  
      drafts with the following LRB numbers: 1019/4 and 1195/1.

## SECTION 1577

1           **\*-1195/2.75\* SECTION 1577.** 49.795 (1) (e) 3. of the statutes is renumbered  
2 49.375 (1) (e) 3.

3           **\*-1195/2.76\* SECTION 1578.** 49.795 (1) (e) 4. of the statutes is renumbered  
4 49.375 (1) (e) 4.

5           **\*-1195/2.77\* SECTION 1579.** 49.795 (1) (e) 5. of the statutes is renumbered  
6 49.375 (1) (e) 5. and amended to read:

7           49.375 (1) (e) 5. A person authorized to redeem ~~food coupons~~ supplemental  
8 nutrition assistance program benefits under 7 USC 2019.

9           **\*-1195/2.78\* SECTION 1580.** 49.795 (2) of the statutes is renumbered 49.375  
10 (2) and amended to read:

11           49.375 (2) No person may misstate or conceal facts in a ~~food stamp~~  
12 supplemental nutrition assistance program application or report of income, assets  
13 or household circumstances with intent to secure or continue to receive ~~food stamp~~  
14 supplemental nutrition assistance program benefits.

15           **\*-1195/2.79\* SECTION 1581.** 49.795 (2m) of the statutes is renumbered 49.375  
16 (2m).

17           **\*-1195/2.80\* SECTION 1582.** 49.795 (3) of the statutes is renumbered 49.375  
18 (3) and amended to read:

19           49.375 (3) No person may knowingly issue ~~food coupons~~ supplemental  
20 nutrition assistance program benefits to a person who is not an eligible person or  
21 knowingly issue ~~food coupons~~ supplemental nutrition assistance program benefits  
22 to an eligible person in excess of the amount for which the person's household is  
23 eligible.

24           **\*-1195/2.81\* SECTION 1583.** 49.795 (4) of the statutes is renumbered 49.375  
25 (4) and amended to read:

1           49.375 (4) No eligible person may knowingly transfer ~~food-coupons~~  
2           supplemental nutrition assistance program benefits except to purchase food from a  
3           supplier or knowingly obtain or use ~~food-coupons~~ supplemental nutrition assistance  
4           program benefits for which the person's household is not eligible.

5           **\*-1195/2.82\* SECTION 1584.** 49.795 (5) of the statutes is renumbered 49.375  
6           (5) and amended to read:

7           49.375 (5) No supplier may knowingly obtain ~~food-coupons~~ supplemental  
8           nutrition assistance program benefits except as payment for food or knowingly  
9           obtain ~~food-coupons~~ supplemental nutrition assistance program benefits from a  
10          person who is not an eligible person.

11          **\*-1195/2.83\* SECTION 1585.** 49.795 (6) of the statutes is renumbered 49.375  
12          (6) and amended to read:

13          49.375 (6) No unauthorized person may knowingly obtain, possess, transfer,  
14          or use ~~food-coupons~~ supplemental nutrition assistance program benefits.

15          **\*-1195/2.84\* SECTION 1586.** 49.795 (7) of the statutes is renumbered 49.375  
16          (7) and amended to read:

17          49.375 (7) No person may knowingly alter ~~food-coupons~~ supplemental nutrition  
18          assistance program benefits.

19          **\*-1195/2.85\* SECTION 1587.** 49.795 (8) (a) (intro.) of the statutes is renumbered  
20          49.375 (8) (a) (intro.).

21          **\*-1195/2.86\* SECTION 1588.** 49.795 (8) (a) 1. of the statutes is renumbered  
22          49.375 (8) (a) 1. and amended to read:

23          49.375 (8) (a) 1. If the value of the ~~food-coupons~~ supplemental nutrition  
24          assistance program benefits does not exceed \$100, a person who violates this section

1 may be fined not more than \$1,000 or imprisoned not more than one year in the  
2 county jail or both.

3 **\*-1195/2.87\* SECTION 1589.** 49.795 (8) (a) 2. of the statutes is renumbered  
4 49.375 (8) (a) 2. and amended to read:

5 49.375 (8) (a) 2. If the value of the ~~food-coupons~~ supplemental nutrition  
6 assistance program benefits exceeds \$100, but is less than \$5,000, a person who  
7 violates this section is guilty of a Class I felony.

8 **\*-1195/2.88\* SECTION 1590.** 49.795 (8) (b) (intro.) of the statutes is renumbered  
9 49.375 (8) (b) (intro.).

10 **\*-1195/2.89\* SECTION 1591.** 49.795 (8) (b) 1. of the statutes is renumbered  
11 49.375 (8) (b) 1. and amended to read:

12 49.375 (8) (b) 1. If the value of the ~~food-coupons~~ supplemental nutrition  
13 assistance program benefits does not exceed \$100, a person who violates this section  
14 may be fined not more than \$1,000 or imprisoned not more than one year in the  
15 county jail or both.

16 **\*-1195/2.90\* SECTION 1592.** 49.795 (8) (b) 2. of the statutes is renumbered  
17 49.375 (8) (b) 2. and amended to read:

18 49.375 (8) (b) 2. If the value of the ~~food-coupons~~ supplemental nutrition  
19 assistance program benefits exceeds \$100, but is less than \$5,000, a person who  
20 violates this section is guilty of a Class H felony.

21 **\*-1195/2.91\* SECTION 1593.** 49.795 (8) (c) of the statutes is renumbered 49.375  
22 (8) (c) and amended to read:

23 49.375 (8) (c) For any offense under this section, if the value of the ~~food-coupons~~  
24 supplemental nutrition assistance program benefits is \$5,000 or more, a person who  
25 violates this section is guilty of a Class G felony.

1           **\*-1195/2.92\* SECTION 1594.** 49.795 (8) (d) 1. (intro.) of the statutes is  
2           renumbered 49.375 (8) (d) 1. (intro.) and amended to read:

3           49.375 (8) (d) 1. (intro.) In addition to the penalties applicable under par. (a),  
4           (b), or (c), the court shall suspend a person who violates this section from  
5           participation in the ~~food stamp~~ supplemental nutrition assistance program as  
6           follows:

7           **\*-1195/2.93\* SECTION 1595.** 49.795 (8) (d) 1. a. of the statutes is renumbered  
8           49.375 (8) (d) 1. a.

9           **\*-1195/2.94\* SECTION 1596.** 49.795 (8) (d) 1. b. of the statutes is renumbered  
10          49.375 (8) (d) 1. b.

11          **\*-1195/2.95\* SECTION 1597.** 49.795 (8) (d) 1. c. of the statutes is renumbered  
12          49.375 (8) (d) 1. c.

13          **\*-1195/2.96\* SECTION 1598.** 49.795 (8) (d) 1m. of the statutes is renumbered  
14          49.375 (8) (d) 1m. and amended to read:

15          49.375 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b), or  
16          (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition  
17          assistance program a person who has been convicted of an offense under 7 USC 2024  
18          (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500  
19          or more.

20          **\*-1019/5.114\* SECTION 1599.** 49.795 (8) (d) 2. of the statutes is amended to  
21          read:

22          49.795 (8) (d) 2. The person may apply to the ~~county~~ department ~~under s.~~  
23          ~~46.215, 46.22 or 46.23~~ or the federally recognized American Indian tribal governing  
24          body or, if the person is a supplier, to the federal department of agriculture for  
25          reinstatement following the period of suspension, if the suspension is not permanent.

1       **\*-1195/2.97\* SECTION 1600.** 49.795 (8) (d) 2. of the statutes, as affected by 2011  
2       Wisconsin Act .... (this act), is renumbered 49.375 (8) (d) 2.

      \*\*\*\*NOTE: This is reconciled s. 49.795 (8) (d) 2. This SECTION has been affected by  
      drafts with the following LRB numbers: 1019/4 and 1195/1.

3       **\*-1195/2.98\* SECTION 1601.** 49.795 (8) (e) 1. (intro.) of the statutes is  
4       renumbered 49.375 (8) (e) 1. (intro.) and amended to read:

5       49.375 (8) (e) 1. (intro.) If a court finds that a person traded a controlled  
6       substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition  
7       assistance program benefits, the court shall suspend the person from participation  
8       in the ~~food stamp~~ supplemental nutrition assistance program as follows:

9       **\*-1195/2.99\* SECTION 1602.** 49.795 (8) (e) 1. a. of the statutes is renumbered  
10      49.375 (8) (e) 1. a.

11      **\*-1195/2.100\* SECTION 1603.** 49.795 (8) (e) 1. b. of the statutes is renumbered  
12      49.375 (8) (e) 1. b.

13      **\*-1195/2.101\* SECTION 1604.** 49.795 (8) (e) 2. of the statutes is renumbered  
14      49.375 (8) (e) 2. and amended to read:

15      49.375 (8) (e) 2. If a court finds that a person traded firearms, ammunition, or  
16      explosives for ~~food coupons~~ supplemental nutrition assistance program benefits, the  
17      court shall suspend the person permanently from participation in the ~~food stamp~~  
18      supplemental nutrition assistance program.

19      **\*-1195/2.102\* SECTION 1605.** 49.795 (8) (f) of the statutes is renumbered  
20      49.375 (8) (f) and amended to read:

21      49.375 (8) (f) Notwithstanding par. (d), in addition to the penalties applicable  
22      under par. (a), (b), or (c), the court shall suspend from the ~~food stamp~~ supplemental  
23      nutrition assistance program for a period of 10 years a person who fraudulently

1 misstates or misrepresents his or her identity or place of residence for the purpose  
2 of receiving multiple benefits simultaneously under the ~~food stamp~~ supplemental  
3 nutrition assistance program.

4 **\*-1195/2.103\* SECTION 1606.** 49.797 (title) of the statutes is renumbered  
5 49.377 (title).

6 **\*-1195/2.104\* SECTION 1607.** 49.797 (1) of the statutes is renumbered 49.377  
7 (1) and amended to read:

8 49.377 (1) DEFINITION. In this section, "~~food stamp program~~" "supplemental  
9 nutrition assistance program" means the federal ~~food stamp~~ supplemental nutrition  
10 assistance program under 7 USC 2011 to 2029 2036 or, if the department determines  
11 that the ~~food stamp~~ supplemental nutrition assistance program no longer exists, a  
12 nutrition program that the department determines is a successor to the ~~food stamp~~  
13 supplemental nutrition assistance program.

14 **\*-1195/2.105\* SECTION 1608.** 49.797 (2) (a) of the statutes is renumbered  
15 49.377 (2) and amended to read:

16 49.377 (2) ~~Notwithstanding s. 46.028 and except as provided in par. (b) and sub.~~  
17 ~~(8), the~~ The department shall administer a statewide program to deliver ~~food stamp~~  
18 supplemental nutrition assistance program benefits to recipients of ~~food stamp~~  
19 supplemental nutrition assistance program benefits by an electronic benefit transfer  
20 system. All suppliers, as defined in s. ~~49.795 (1)~~ 49.375 (1) (d), may participate in the  
21 delivery of ~~food stamp~~ supplemental nutrition assistance program benefits under the  
22 electronic benefit transfer system. The department shall explore methods by which  
23 nontraditional retailers, such as farmers' markets, may participate in the delivery  
24 of ~~food stamp~~ supplemental nutrition assistance program benefits under the  
25 electronic benefit transfer system.

## SECTION 1609

1       **\*-1195/2.106\* SECTION 1609.** 49.797 (2) (b) of the statutes is repealed.

2       **\*-1195/2.107\* SECTION 1610.** 49.797 (4) of the statutes is renumbered 49.377  
3       (4).

4       **\*-1195/2.108\* SECTION 1611.** 49.797 (5) of the statutes is renumbered 49.377  
5       (5).

6       **\*-1195/2.109\* SECTION 1612.** 49.797 (6) of the statutes is renumbered 49.377  
7       (6).

8       **\*-1195/2.110\* SECTION 1613.** 49.797 (7) of the statutes is renumbered 49.377  
9       (7).

10       **\*-1019/5.115\* SECTION 1614.** 49.797 (8) of the statutes is amended to read:

11       49.797 (8) COUNTY TRIBAL GOVERNING BODY PARTICIPATION; EXCEPTION. The  
12       department may not require a ~~county or~~ tribal governing body to participate in an  
13       electronic benefit transfer system under this section if the costs to the ~~county or~~ tribal  
14       governing body would be greater than the costs that the ~~county or~~ tribal governing  
15       body would incur in delivering the benefits through a system that is not an electronic  
16       benefit transfer system.

17       **\*-1195/2.111\* SECTION 1615.** 49.797 (8) of the statutes, as affected by 2011  
18       Wisconsin Act .... (this act), is repealed.

      \*\*\*\*NOTE: This is reconciled s. 49.797 (8). This SECTION has been affected by drafts  
      with the following LRB numbers: 1019/4 and 1195/1.

19       **\*-1019/5.116\* SECTION 1616.** 49.825 of the statutes, as affected by 2011  
20       Wisconsin Act .... (this act), is repealed.

21       **\*-1019/5.117\* SECTION 1617.** 49.825 (2) (a) 2. of the statutes is repealed.

22       **\*-1019/5.118\* SECTION 1618.** 49.83 of the statutes is amended to read:



**49.83 Limitation on giving information.** Except as provided under ss. 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77, 2009 stats., or s. 49.39 for any purpose not connected with the administration of the programs, except that the department of children and families may disclose such information to the department of revenue for the sole purpose of administering state taxes. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

**\*-1195/2.112\* SECTION 1619.** 49.84 (5) of the statutes is amended to read:

49.84 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19, medical assistance under subch. IV, or ~~food stamp~~ supplemental nutrition assistance program benefits under 7 USC 2011 to ~~2029~~ 2036 shall, as a condition of eligibility, provide a declaration and other verification of citizenship or satisfactory immigration status as required by the department by rule or as required in 42 USC 1320b-7 (d).

**\*-1019/5.119\* SECTION 1620.** 49.845 (1) of the statutes is amended to read:

49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4) (bn), (kz), (L), and (nn), the department of health services shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~

## SECTION 1620

1 ~~payments for the support of children of supplemental security income recipients~~  
2 ~~under s. 49.775, and health care benefits under the Badger Care health care program~~  
3 ~~under s. 49.665 and, if the department of children and families contracts with the~~  
4 ~~department of health services under sub. (4), on the part of recipients of aid to~~  
5 ~~families with dependent children under s. 49.19, supplemental security income~~  
6 ~~payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children~~  
7 ~~of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,~~  
8 ~~and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The~~  
9 ~~activities of the department of health services under this subsection may include~~  
10 ~~comparisons of information provided to the department by an applicant and~~  
11 ~~information provided by the applicant to other federal, state, and local agencies,~~  
12 ~~development of an advisory welfare investigation prosecution standard, and~~  
13 ~~provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to~~  
14 ~~Wisconsin Works agencies to encourage activities to detect fraud. The department~~  
15 ~~of health services shall cooperate with district attorneys regarding fraud~~  
16 ~~prosecutions.~~

17 **\*-1195/2.113\* SECTION 1621.** 49.845 (1) of the statutes, as affected by  
18 Wisconsin Act .... (this act), is amended to read:

19 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
20 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
21 to investigate suspected fraudulent activity on the part of recipients of medical  
22 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~  
23 ~~7 USC 2011 to 2036,~~ and health care benefits under the Badger Care health care  
24 program under s. 49.665 and, if the department of children and families contracts  
25 with the department of health services under sub. (4), on the part of recipients of aid

1 to families with dependent children under s. 49.19, supplemental security income  
2 payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children  
3 of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,  
4 recipients of benefits under the supplemental nutrition assistance program under 7  
5 USC 2011 to 2036, and participants in the Wisconsin Works program under ss.  
6 49.141 to 49.161. The activities of the department of health services under this  
7 subsection may include comparisons of information provided to the department by  
8 an applicant and information provided by the applicant to other federal, state, and  
9 local agencies, development of an advisory welfare investigation prosecution  
10 standard, and provision of funds to county departments under ss. 46.215, 46.22, and  
11 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The  
12 department of health services shall cooperate with district attorneys regarding fraud  
13 prosecutions.

\*\*\*\*NOTE: This is reconciled s. 49.845 (1). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1.

14 **\*-1019/5.120\* SECTION 1622.** 49.845 (2) of the statutes is amended to read:  
15 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health  
16 services shall conduct activities to reduce payment errors in the Medical Assistance  
17 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the  
18 ~~supplemental security income payments program under s. 49.77, the program~~  
19 ~~providing payments for the support of children of supplemental security income~~  
20 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~  
21 and, if the department of children and families contracts with the department of  
22 health services under sub. (4), in the supplemental security income payments  
23 program under s. 49.39, the program providing payments for the support of children

1 of supplemental security income recipients under s. 49.395, and Wisconsin Works  
2 under ss. 49.141 to 49.161.

3 **\*-1195/2.114\* SECTION 1623.** 49.845 (2) of the statutes, as affected by 2011  
4 Wisconsin Act .... (this act), is amended to read:

5 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health  
6 services shall conduct activities to reduce payment errors in the Medical Assistance  
7 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036,~~ and  
8 the Badger Care health care program under s. 49.665 and, if the department of  
9 children and families contracts with the department of health services under sub. (4),  
10 in the supplemental security income payments program under s. 49.39, the program  
11 providing payments for the support of children of supplemental security income  
12 recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to 49.161, and the  
13 supplemental nutrition assistance program under 7 USC 2011 to 2036.

\*\*\*\*NOTE: This is reconciled s. 49.845 (2). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1.

14 **\*-1019/5.121\* SECTION 1624.** 49.845 (4) (title) of the statutes is amended to  
15 read:

16 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY  
17 INCOME, AND CARETAKER SUPPLEMENT.

18 **\*-1195/2.115\* SECTION 1625.** 49.845 (4) (title) of the statutes, as affected by  
19 2011 Wisconsin Act .... (this act), is amended to read:

20 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY  
21 INCOME, ~~AND~~ CARETAKER SUPPLEMENT, AND THE SUPPLEMENTAL NUTRITION ASSISTANCE  
22 PROGRAM.

\*\*\*\*NOTE: This is reconciled s. 49.845 (4) (title). This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1.

1           **\*-1019/5.122\* SECTION 1626.** 49.845 (4) (a) 1. of the statutes is amended to  
2 read:

3           49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of  
4 children and families may contract with the department of health services to  
5 investigate suspected fraudulent activity on the part of recipients of aid to families  
6 with dependent children under s. 49.19, recipients of supplemental security income  
7 payments under s. 49.39, recipients of payments for the support of children of  
8 supplemental security income recipients under s. 49.395, and participants in  
9 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce  
10 payment errors in the supplemental security income payments program under s.  
11 49.39, the program providing payments for the support of children of supplemental  
12 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to  
13 49.161, as provided in this section. If any employee of the department of health  
14 services reasonably suspects that fraudulent activity as described in this subdivision  
15 has occurred or is occurring, the employee shall immediately report the facts and  
16 circumstances contributing to that suspicion to the employee's immediate  
17 supervisor.

18           **\*-1195/2.116\* SECTION 1627.** 49.845 (4) (a) 1. of the statutes, as affected by  
19 2011 Wisconsin Act .... (this act), is amended to read:

20           49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of  
21 children and families may contract with the department of health services to  
22 investigate suspected fraudulent activity on the part of recipients of aid to families  
23 with dependent children under s. 49.19, recipients of supplemental security income  
24 payments under s. 49.39, recipients of payments for the support of children of  
25 supplemental security income recipients under s. 49.395, recipients of benefits under

1 the supplemental nutrition assistance program under 7 USC 2011 to 2036, and  
2 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities  
3 to reduce payment errors in the supplemental security income payments program  
4 under s. 49.39, the program providing payments for the support of children of  
5 supplemental security income recipients under s. 49.395, the supplemental  
6 nutrition assistance program under 7 USC 2011 to 2036, and Wisconsin Works under  
7 ss. 49.141 to 49.161, as provided in this section. If any employee of the department  
8 of health services reasonably suspects that fraudulent activity as described in this  
9 subdivision has occurred or is occurring, the employee shall immediately report the  
10 facts and circumstances contributing to that suspicion to the employee's immediate  
11 supervisor.

\*\*\*\*NOTE: This is reconciled s. 49.845 (4) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1.

12 **\*-1195/2.117\* SECTION 1628.** 49.847 (1) of the statutes is amended to read:

13 49.847 (1) Subject to ~~ss. s.~~ 49.497 (1) ~~and 49.793 (1)~~, the department of health  
14 services, or a county or elected governing body of a federally recognized American  
15 Indian tribe or band acting on behalf of the department, may recover benefits  
16 incorrectly paid under any of the programs administered by the department under  
17 this chapter.

18 **\*-1195/2.118\* SECTION 1629.** 49.847 (2) of the statutes is amended to read:

19 49.847 (2) The department, county, or elected governing body may recover an  
20 overpayment from a family or individual who continues to receive benefits under any  
21 program administered by the department under this chapter by reducing the  
22 family's or individual's benefit amount. ~~Subject to s. 49.793 (1), the~~ The department  
23 may by rule specify other methods for recovering incorrectly paid benefits.

1           **\*-1195/2.119\* SECTION 1630.** 49.847 (3) of the statutes, as affected by 2011  
2       Wisconsin Act .... (this act), is amended to read:

3           49.847 (3) (a) Subject to ss. s. 49.497 (2) and ~~49.793 (2)~~, a county or elected  
4       governing body may retain a portion of an amount recovered under this section due  
5       to the efforts of an employee or officer of the county, tribe, or band, as provided by the  
6       department by rule.

      \*\*\*NOTE: This is reconciled s. 49.847 (3). This SECTION has been affected by drafts  
      with the following LRB numbers: 1019/4 and 1195/1.

7           **\*-1019/5.123\* SECTION 1631.** 49.847 (3) (a) of the statutes is renumbered  
8       49.847 (3) and amended to read:

9           49.847 (3) Subject to ss. 49.497 (2) and 49.793 (2), ~~and except as provided in par.~~  
10       ~~(b)~~, a county or elected governing body may retain a portion of an amount recovered  
11       under this section due to the efforts of an employee or officer of the county, tribe, or  
12       band, as provided by the department by rule.

13          **\*-1019/5.124\* SECTION 1632.** 49.847 (3) (b) of the statutes is repealed.

14          **\*-1195/2.120\* SECTION 1633.** 49.85 (1) of the statutes is amended to read:

15          49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
16       s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
17       Indian tribe or band determines that the department of health services may recover  
18       an amount under s. 49.497, ~~49.793~~, or 49.847, or that the department of children and  
19       families may recover an amount under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect  
20       an amount under s. 49.147 (6) (cm), the county department or governing body shall  
21       notify the affected department of the determination. If a Wisconsin Works agency  
22       determines that the department of children and families may recover an amount  
23       under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect an amount under s. 49.147 (6) (cm),

1 the Wisconsin Works agency shall notify the department of children and families of  
2 the determination.

3 **\*-1195/2.121\* SECTION 1634.** 49.85 (2) (a) (intro.) of the statutes is amended  
4 to read:

5 49.85 (2) (a) (intro.) At least annually, the department of health services shall  
6 certify to the department of revenue the amounts that, based on the notifications  
7 received under sub. (1) and on other information received by the department of  
8 health services, the department of health services has determined that it may  
9 recover under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, except that the  
10 department of health services may not certify an amount under this subsection  
11 unless all of the following apply:

12 **\*-1195/2.122\* SECTION 1635.** 49.85 (2) (b) of the statutes is amended to read:

13 49.85 (2) (b) At least annually, the department of children and families shall  
14 certify to the department of revenue the amounts that, based on the notifications  
15 received under sub. (1) and on other information received by the department of  
16 children and families, the department of children and families has determined that  
17 it may recover under ~~ss. s.~~ 49.161, and 49.195 (3) and, or 49.373 or collect under s.  
18 49.147 (6) (cm), except that the department of children and families may not certify  
19 an amount under this subsection unless it has met the notice requirements under  
20 sub. (3) and unless its determination has either not been appealed or is no longer  
21 under appeal.

22 **\*-1195/2.123\* SECTION 1636.** 49.85 (3) (a) 1. of the statutes is amended to read:

23 49.85 (3) (a) 1. Inform the person that the department of health services  
24 intends to certify to the department of revenue an amount that the department of



health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, for setoff from any state tax refund that may be due the person.

**\*-1195/2.124\* SECTION 1637.** 49.85 (3) (b) 1. of the statutes is amended to read:

49.85 (3) (b) 1. Inform the person that the department of children and families intends to certify to the department of revenue an amount that the department of children and families has determined to be due under s. 49.161 ~~or~~, 49.195 (3), or 49.373, or to be delinquent under a repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax refund that may be due the person.

**\*-1465/P4.339\* \*-0808/2.204\* SECTION 1638.** 49.857 (1) (c) of the statutes is amended to read:

49.857 (1) (c) "Credentialing board" means a board, examining board or affiliated credentialing board in the department of ~~regulation and licensing~~ safety and professional services that grants a credential.

**\*-1465/P4.340\* \*-0808/2.205\* SECTION 1639.** 49.857 (2) (b) 1. of the statutes is amended to read:

49.857 (2) (b) 1. The circumstances under which the licensing authority or the licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or issue or refuse to renew or revalidate a license and guidelines for determining the appropriate action to take. The memorandum of understanding with the department of ~~regulation and licensing~~ safety and professional services shall include the circumstances under which the department of ~~regulation and licensing~~ safety and professional services shall direct a credentialing board to restrict, limit, suspend, withhold, deny or refuse to grant a credential and guidelines for determining the appropriate action to take. The guidelines under this subdivision for determining the appropriate action to take shall require the consideration of

.....  
**SECTION 1639**

1 whether the action is likely to have an adverse effect on public health, safety or  
2 welfare or on the environment, and of whether the action is likely to adversely affect  
3 individuals other than the individual holding or applying for the license, such as  
4 employees of that individual.

5 **\*-1465/P4.341\* \*-0808/2.206\* SECTION 1640.** 49.857 (2) (b) 2. a. of the  
6 statutes is amended to read:

7 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a  
8 delinquency in support or a failure to comply with a subpoena or warrant. The  
9 memorandum of understanding with the department of ~~regulation and licensing~~  
10 safety and professional services shall include procedures for the department of  
11 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
12 board that a certification of delinquency in support or failure to comply with a  
13 subpoena or warrant has been made by the department of children and families with  
14 respect to an individual who holds or applied for a credential granted by the  
15 credentialing board.

16 **\*-1465/P4.342\* \*-0808/2.207\* SECTION 1641.** 49.857 (2) (b) 2. c. of the statutes  
17 is amended to read:

18 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an  
19 individual has paid delinquent support or made satisfactory alternative payment  
20 arrangements or satisfied the requirements under a subpoena or warrant. The  
21 memorandum of understanding with the department of ~~regulation and licensing~~  
22 safety and professional services shall include procedures for the department of  
23 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
24 board that an individual who holds or applied for a credential granted by the